

10/585,793

**Remarks****A. Basis for claim amendments**

Basis for the amendment to independent claims 1 and 15 is found in paragraph [0017] of the published application (reproduced below):

[0017] The process for producing acrylic acid of the present invention has only to be a process which comprises the steps of: applying the aforementioned dehydration reaction to the aforementioned raw material; and then applying the aforementioned gas phase oxidation reaction to a gaseous reaction product formed by the dehydration reaction. Thus, its specific working mode is not especially limited. For example, the following modes can be adopted: i) a mode that there is used a tandem-type reactor comprising two reaction tubes linked to each other, where the two reaction tubes are filled with a catalyst for the dehydration reaction and a catalyst for the gas phase oxidation reaction respectively and where the dehydration reaction and the gas phase oxidation reaction are separately conducted in their respective reaction tubes; ii) a mode that there is used a single-type reactor comprising one reaction tube, where the reaction tube is filled with a catalyst for the gas phase oxidation on the reaction gas outlet side and with a catalyst for the dehydration reaction of glycerol on the reaction gas inlet side, thus conducting in the one reaction tube the dehydration reaction followed by the gas phase oxidation reaction; and iii) a mode that there is used a single-type reactor comprising one reaction tube, where the one reaction tube is filled with catalysts for the dehydration reaction and for the gas phase oxidation reaction uniformly mixed together or with a catalyst which functions both for the dehydration reaction and the gas phase oxidation reaction, thus conducting the dehydration reaction and the gas phase oxidation reaction in the one reaction tube at the same time.

**B. The interview of April 14, 2009**

The undersigned telephonically interviewed Examiners Valenrod and Zucker on April 14, 2009. The claims discussed

(18450.DOC) {Amendment and Remarks--page 6 of 9}

10/585,793

were claims 1 and 15. The prior art discussed was U.S. Patent No. 6,525,217. It is the understanding of the undersigned that an amendment relating to the limitations at the end of paragraph [0017] in the published application may advance prosecution--or at least that such an amendment would overcome the prior art of record. Such an amendment has now been placed into independent claims 1 and 15.

Another matter discussed was MPEP § 2144. Applicant inquired how the outstanding rejection relates to such section of the MPEP. The Examiner in turn asked whether applicant could point out specific provisions of this section of the MPEP where applicant felt that discussion would be necessary.

C. The Office Action of February 17, 2009

On page 2 of the Office Action, it was indicated that the present application has been transferred to Examiner Valenrod.

On page 2 of the Office Action, it was indicated that applicant's RCE submission of 11/10/08 has been entered. This is appreciated.

On page 2 of the Office Action, it was indicated that certain rejections have been withdrawn in view of applicant's remarks. This is appreciated.

On page 3 of the Office Action, it was indicated that claims 11, 16, and 17 have been withdrawn from consideration as being directed to a non-elected invention. As to such, it is noted that the present amended claims may overcome the prior art of record. Thus, reconsideration and rejoinder of claims 11, 16 and 17 would be appreciated.

On page 4 of the Office Action, claims 1, 3-9 and 12-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Unverricht et al. in view of Neher et al. As to such,

{18450.DOC} (Amendment and Remarks--page 7 of 9)

10/585,793

please see the above amendments to the independent claims. According to the telephonic interview of April 14, 2009, the present amended claims may overcome the prior art of record. Applicant respectfully submits that the present amended claims do in fact overcome the prior art of record because the cited prior art does not disclose or suggest the claimed step of:

conducting the dehydration reaction and the gas phase oxidation reaction in a single-type reactor comprising one reaction tube, where said one reaction tube is filled with catalysts for the dehydration reaction and for the gas phase oxidation reaction uniformly mixed together or with a catalyst which functions both for the dehydration reaction and the gas phase oxidation reaction, thus conducting the dehydration reaction and the gas phase oxidation reaction in said one reaction tube at the same time.

#### D. Housekeeping matters

##### D.1. Period For Reply

A shortened statutory period for reply was set to expire three months from the mailing date of the Office Action of February 17, 2009. February 17, 2009 plus three months is May 17, 2009. May 17, 2009 falls on a Sunday. This Amendment and Remarks is being filed on or before Monday, May 18, 2009.

##### D.2. Status

The Office Action of February 17, 2009 was nonfinal.

##### D.3. Disposition Of Claims

Claims 1 and 3-9, and 12-15 are pending. Claims 11 and 16-17 were withdrawn by the USPTO. Rejoinder of claims 11 and 16-17 would be very much appreciated.

MAY 15 2009

10/585,793

D.4. Application Papers

This case includes no drawings.

D.5. Priority under 35 U.S.C. §§ 119 and 120

Acknowledgement of the claim for foreign priority was made in the Office Action dated May 24, 2007. This is appreciated.

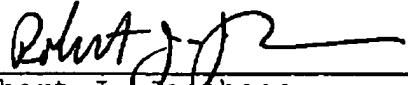
D.6. Attachments

Applicant has filed three PTO-1449 forms in this case, one with the filing of this case on July 12, 2006, a second on September 9, 2008, and a third on November 9, 2008. All of these forms have been initialed, signed and returned. This is very much appreciated.

E. Summary

Applicant respectfully submits that the present application is now in condition for allowance. The Examiner is respectfully invited to make contact with the undersigned by telephone if such would advance prosecution of this case.

Respectfully submitted,

Date: 5-15-2009Tel. No.: (651) 699-7900  
Fax. No.: (651) 699-7901  
\_\_\_\_\_  
Robert J. Jacobson  
Reg. No. 32,419  
650 Brimhall Street South  
St. Paul, MN 55116-1511